

Remarks

After the foregoing amendment, claims 1 – 20 are pending, with claims 1, 7, 11, and 16 being the independent claims. Claims 1, 7, 5, and 9 have been amended. New claims 11 – 20 have been added.

35 USC §102(b)

Claims 1 – 10 stand rejected under section 102(b) as being anticipated by U.S. Patent No. 5,806,043 (“Toader”). The Toader reference teaches a method for providing online help for consumers of third party products. Toader teaches that a third party product comes with a floppy disc that allows the consumer to access an online help system for a limited period of time. (Toader, Column 2, Lines 12 – 17). The online help system collects profile information about the consumer and then forces the consumer through a mandatory tour of the third party’s web site. Eventually, the consumer’s online help time expires, which results in the consumer being prompted for a credit card number or other form of payment to extend the time of the online help service. (Toader, Column 2, Lines 9 – 53).

Applicants claimed invention is strikingly different. In particular, Applicants claimed invention tracks a consumer’s use of the help system to provide an understanding of where the application being used by the consumer is deficient or confusing. This usage data is recorded and reported to the application programmers so that the application itself can be improved. For example, if every consumer that filled out a web based loan application requested help at question number 4, the claimed invention would report that information so that the application could be reviewed and improved.

With respect to independent claims 1 and 7, the Examiner cites Toader [Fig 1, 6] as teaching the claimed step of collecting usage data from the electronic help. To the contrary, however, Toader teaches the collection of profile information related to the consumer that is using the help system. Specifically, Toader teaches at Column 4, Lines 34 – 39:

At block 6, the customer provides answers to the questions, where,
at block 11, the IES collects the information and compiles a
database profile for this customer, forwards the profile to the

1 sponsor, and activates a timer or starts a calendar to time the
2 customer's Internet on-line help access.

3 To clarify the claimed step, Applicants have amended this step to clarify that the usage data
4 comprises an identifier that identifies the point in the website or application where electronic help
5 was requested. Toader's compiling of a database profile does not teach or contemplate the collection
6 of this type of contextual, application specific information.

7 Furthermore, Toader does not teach the step of providing a report indicative of the collected
8 usage data. The Examiner cites Toader [Fig 1, 11 and column 4, lines 34 – 39] as teaching this step.
9 As previously described and set forth, the cited passage from column 4 teaches that the Toader
10 system creates a customer profile and sends the profile to the sponsor (i.e., a third party company).
11 Similarly, block 11 in Fig. 1 identifies a step in which the IES collects user information and creates a
12 database profile and activates a timer for a predetermined amount of time. Toader does not,
13 however, teach the claimed step of providing a report that is indicative of the usage data.
14 Specifically, customer profile information is not usage data.

Thus, because Toader does not teach each and every step required by independent claims 1 and 7, Applicants respectfully assert that the amended claims are in condition for allowance. Because the independent claims, as amended, are presently allowable, it is axiomatic that their respective dependent claims are also allowable because those dependent claims further refine and limit the independent claims.

With respect to claim 2, the Examiner cites Toader [Fig 1, 12 and column 4, lines 40 – 46] as disclosing modifying the website based on the report. In Fig. 1 of Toader, block 12 is a step for activating a user browser and hot-linking into the sponsor's domain / home page. The corresponding description in column 4, lines 40 – 46 states:

At block 12, the IES activates an Internet navigational software "browser" program on the customer's PC. Such browser programs are widely available, and include titles such as Netscape, Mosaic, etc. The IES directs the browser program to directly connect (hot-link) the customer to the Internet domain / Home Page of the sponsor, signified by block 13.

1 This passage clearly indicates that Toader discloses launching a local browser and linking that
2 browser directly to the home page of a third party company. The step of the claimed invention
3 requires that the report containing usage data for the website is used as the basis for modifying a
4 website. Thus, Toader merely teaches launching a specific website while claim 2 requires modifying
5 a website based on a report containing usage data for the website. The claimed step is not taught or
6 disclosed by Toader.

7 With respect to dependent claim 3, the Examiner cites Toader's compiling of a user profile as
8 teaching the claimed step of automatically generating a report upon receipt of the usage data. As
9 previously explained, creating a user profile does not teach compiling data pertaining to the use of
10 the website or application. Thus, compiling a user profile does not teach the claimed of
11 automatically generating a report.

12 With respect to dependent claims 4 and 8, the Examiner cites Toader [column 4, lines 40 –
13 46] as teaching the step of collecting a user's browser type as part of the usage data. Although the
14 cited passage discusses browsers, it does so in the context of the IES launching a browser program
15 on the local user's PC. Conversely, the claimed step requires that the type of browser being
16 employed by the user is collected as part of the usage data. Thus, Toader does not teach the claimed
17 step.

With respect to dependent claims 5 and 9, the examiner cites Toader [column 4, lines 30 –
34] as teaching a user address. Applicants admit that Toader teaches collecting the user's street
address as part of compiling the profile information, which also includes the user's name, age,
gender, etc. Applicants have amended claims 5 and 9 to clarify that the usage data comprises a
network address for the user. Applicants assert that this is not a narrowing amendment because the
addition of the word "network" merely expressly states what was inherently part of the claim.
Therefore, the scope of claims 5 and 9 remains the same.

Conclusion

In view of the foregoing Amendments and Remarks, Applicants respectfully assert that all claims are presently in condition for allowance and such action is earnestly requested. If the Examiner has any questions or comments regarding the above Amendments and Remarks, the Examiner is respectfully urged to contact the undersigned at the number listed below.

Respectfully submitted,
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